

Inventors: Huse and Glaser
Serial No.: 09/016,061
Filed: January 30, 1998
Page 8

103. (New) The method of claim 102, wherein said functional fragment is selected from the group consisting of Fv, Fab, F(ab)₂ and scFV.

104. (New) The method of claim 102, wherein said $\alpha_v\beta_3$ -mediated disease is angiogenesis or restenosis.--

REMARKS

Claims 1-79 are pending. Claims 1-55 have been canceled. New claims 80-104 have been added. Support for the new claims can be found throughout the specification and, for example, in the claims as filed and on page 39, line 17, to page 45, line 24; page 51, line 29, to page 52, line 5; and page 54, lines 4-8. Accordingly, these new claims do not raise an issue of new matter and entry thereof is respectfully requested.

The Office Action alleges that the application is directed to two distinct and independent inventions. Provided below are the two inventions set forth in the Office Action.

Group I: claims 1-48 and 58-79, directed to Vitaxin antibodies and encoding nucleic acids, LM609 grafted antibodies and encoding nucleic acids, LM609 encoding nucleic acids, and enhanced LM609 grafted antibody and encoding nucleic acids;

Inventors: Huse and Glaser
Serial No.: 09/016,061
Filed: January 30, 1998
Page 9

Group II: claims 49-55, directed to methods of inhibiting the function of $\alpha_v\beta_3$ and of treating an $\alpha_v\beta_3$ -mediated disease.


Election of one of the inventions is required under 35 U.S.C. § 121. Applicants elect the claims set forth in Group I, claims 58-79, for examination. Furthermore, Applicants respectfully submit that examination of the claims of Group I with new claims 80-104, together, would not present an undue burden upon the Examiner. Specifically, the primary burden for examination of the claims of Group I is related to a search for enhanced LM609 grafted antibodies and encoding nucleic acid sequences. Similarly, new claims 80-104 also require a search for enhanced LM609 grafted antibodies and antibodies containing specifically recited CDRs referenced as SEQ ID NOS. Thus, a search of the claims of Group I will, of necessity, reveal information relevant to the examination of new claims 80-104. Thus, thorough examination of the claims of Group I will encompass examination of subject matter relevant to new claims 80-104, with limited additional subject matter required for the examination of these new claims. For these reasons, Applicants respectfully submit that examining these claims together would not present an undue burden upon the Examiner and request examination of the claims of Group I together with new claims 80-104.

Inventors: Huse and Glaser
Serial No.: 09/016,061
Filed: January 30, 1998
Page 10

Applicants elect the claims of Group I, claims 58-79, for examination but respectfully request the Examiner examine claims 58-104, together. The Examiner is invited to call Cathryn Campbell or the undersigned agent if there are any questions.

Respectfully submitted,

Date: September 8, 1999


David A. Gay
Registration No. 39,200
Telephone No.: (858) 535-9001
Facsimile No.: (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122